

REMARKS

This is in response to the Office Action mailed on May 7, 2004, and the references cited therewith.

Claims 1, 3, 9, 16, and 21 are amended; as a result, claims 1-25 are now pending in this application.

§112 Rejection of the Claims

Claim 3 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 3, such that the preliminary request is defined as an end-user command directed to a peripheral. Applicant believes that this is now definite and the rejection with respect to claim 3 should be withdrawn.

§102 Rejection of the Claims

Claims 1-2 were rejected under 35 USC § 102(e) as being anticipated by Esterson (US 6,633,583). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the cited reference. Here, Esterson does not teach or suggest the interruption of normal processing as is now positively recited in Applicant's amended independent claim 1.

More specifically, Esterson is directed to architectures for wirelessly transmitting USB data to USB devices. Esterson does not teach or suggest interrupting the normal processing of a USB driver for purposes of detecting a request which is directed to a remote device. That is, in Esterson data is packaged and directly sent to a wireless transmitter. Esterson does not acquire a USB request by interrupting the processing of a typical USB driver stack. Thus, Esterson is not capable of being integrated into legacy USB architectures for use. In fact, the very purpose of Esterson is to create a new architecture and not to integrate into existing USB architectures.

Accordingly, Applicant asserts that the rejections with respect to Esterson should be withdrawn, since Applicant's amended independent claim 1 now positively recites the limitation that the request is acquired by interrupting processing on the requesting device. This limitation

runs contrary to the proposed new architectures of Esterson and is not taught or suggested in any form in Esterson. Therefore, the rejections with respect to claims 1 and 2 should be withdrawn.

Claims 1-4, 6-9, 11-25 rejected under 35 USC § 102(e) as being anticipated by McAlear (US 6,389,029). Again, to sustain an anticipation rejection each and every element or step in the rejected claims must be taught or suggested in the cited reference.

McAlear is directed to extending normal USB communications to all devices with a Local Area Network (LAN). McAlear does not teach or suggest how USB communications may be extended beyond a LAN to a Wide Area Network (WAN). This is significant because conventionally USB communications are reserved for devices in close proximity or directly connected to one another. The teachings in McAlear attempt to extend the communications to all devices of a LAN but have not taught or suggested how this communication may be extended to a WAN. Thus, the teachings of McAlear have limited use and limited application to LAN architectures.

In fact, McAlear goes to elaborate lengths to explain how traditional USB protocols can be used to extend the service area of USB-enabled devices within a LAN. McAlear, col. 13, lines 47-67. McAlear's approach would not work with WAN protocols and McAlear does not purport this to be the case. Conversely, Applicant's invention interrupts processing of USB data, packages that data into intermediate formats (such as WAN protocols) and transmits that intermediate data over a WAN. This is a more straightforward and more advantageous approach because USB protocols and processing are not being modified; rather, they are supplemented with the Applicant's techniques to be packaged and processed over a WAN.

Thus, Applicant respectfully asserts that the rejections with respect to McAlear are no longer appropriate and should be withdrawn.

§103 Rejection of the Claims

Claims 5, 10 and 17 were rejected under 35 USC § 103(a) as being unpatentable over McAlear (US 6,389,029). Claim 5 is dependent from amended independent claim 1. Claim 10 is dependent from amended independent claim 9. Claim 17 is dependent from amended

independent claim 16. Thus, for the amendments and remarks presented above with respect to claims 1, 9, and 16; claims 5, 10, and 17 are allowable and their rejections should be withdrawn.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

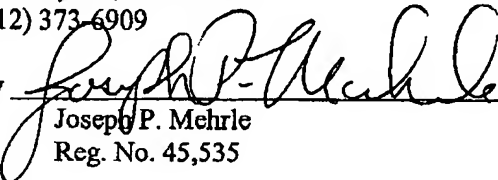
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of August, 2004. (Monday).

CANDIS BUENDING

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